

Steps for Agencies to Become Service Providers in West Virginia

West Virginia Health Care Authority - Certificate of Need (CON)

In West Virginia, all health care providers, unless otherwise exempt, must obtain a CON before (1) adding or expanding health care services, (2) exceeding the capital expenditure threshold of \$5,000,000, (3) obtaining major medical equipment valued at \$5,000,000 or more, or (4) developing or acquiring new health care facilities.

However, House Bill 4365, which was signed into law during the regular legislative session of 2016, and HB 2459, which was signed into law during the regular legislative session of 2017, among other things include a long list of new exemptions to the CON process, including but not limited to:

A behavioral health service selected by the Department of Health and Human Resources in response to its request for application for services intended to return children currently placed in out-of-state facilities to the state or to prevent placement of children in out-of-state facilities is not subject to a certificate of need;

The establishing of a health care facility or offering of health services for children under one year of age suffering from Neonatal Abstinence Syndrome;

The construction, development, acquisition or other establishment of community mental health and intellectual disability facility;

Providing behavioral health facilities and services; and,

The construction, development, acquisition or other establishment of an alcohol or drug treatment facility and drug and alcohol treatment services unless the construction, development, acquisition or other establishment is an opioid treatment facility or programs as set forth in subdivision (4) of section nine of this article;

The statutorily mandated CON review process primarily includes the determination of need, consistency with the State Health Plan, and financial feasibility. Need is determined using CON Standards, which generally include population-based quantifiable need methodologies. Financial feasibility includes the evaluation of the reasonableness of proposed charges to patients and the determination as to whether the expense and revenue projections demonstrate fiscal viability for the proposed project. Other review criteria include quality, accessibility, and continuum of care.

The CON behavioral health standards can be found on the Health Care Authority website at:
http://www.hca.wv.gov/certificateofneed/Documents/CON_Standards/Behavioral_Health.pdf

Exemptions from Certificate of Need

Pursuant to W.Va. Code § 16-2D-11(a), to obtain an exemption under this section a person shall:

- (1) File an exemption application;

- (2) Pay the \$1,000 application fee; and
- (3) Provide a statement detailing which exemption applies and the circumstances justifying the approval of the exemption.

The authority has forty-five days to review the exemption request. The authority may not hold an administrative hearing to review the application. A person may not file an objection to the request for an exemption. The applicant may request or agree with the authority to a fifteen-day extension of the timeframe. If the authority does not approve or deny the application within forty-five days, then the exemption is immediately approved. If the authority denies the approval of the exemption, only the applicant may appeal the authority's decision to the Office of Judges or refile the application with the authority.

Agencies may call 304-558-7000 Ext. 231 or go to <http://www.hcawv.org/> for more information. Tim Adkins is the director of this program and can be reached at (304) 558-7000 Ext. 241 or via e-mail at TADKINS@HCAWV.ORG

Office of Health Facility Licensure and Certification - Behavioral Health License

1. The first step to complete is to receive a Certificate of Need (CON) for any new proposed health care service in West Virginia through the West Virginia Health Care Authority. For more information please visit the West Virginia Health Care Authority web page at www.hcawv.org. See the above information
2. Once the West Virginia Health Care Authority has issued your CON, you can submit your behavioral health services application for licensure. If you have any questions, please contact the Office of Health Facility Licensure and Certification (OHFLAC).
3. In order for OHFLAC to issue a license as a Behavioral Health Center your center is required to be in substantial compliance with the Behavioral Health Centers Licensure state rule, 64CSR11.
4. Please note, for any new construction that will be utilized as a licensed health care facility you must contact the OHFLAC Life Safety Program. All building sites and architectural plans must be approved by OHFLAC prior to construction. Occupancy of a new health care facility must be approved by OHFLAC. You may contact Ron Stricker at 304-558-0050 for assistance.
5. Once OHFLAC receives the State Fire Marshal's recommendation of either a "regular" or "provisional", you will be contacted by OHFLAC to schedule your initial licensure survey. This will be the only time OHFLAC contacts you prior to an inspection/survey.
6. During your initial licensure survey OHFLAC will review your policies and procedures, job descriptions and services provided. Policies and procedures required are based on services provided. A listing of expectations can be viewed [here](#).
7. After your initial licensure survey, if you have been determined to be in substantial compliance with the Behavioral Health Centers Licensure state rule, 64CSR11, a 6-month initial license will be issued. Prior to expiration of this license, OHFLAC will conduct a full licensure review, including consumer records.

If you have any questions, please call 304-558-0488 or via e-mail at James.A.Cooper@wv.gov

Copies of the regulations for OHFLAC licensure are available online at: <http://ohflac.wv.gov/laws.html>
These regulations state what the program should include to be eligible for licensure.

State Fire Marshall - Inspection

At some time prior to opening a program, the State Fire Marshal's office will need to do an inspection of the facility. They can be reached at 304-558-2191. Clarence Joe Leake is the Chief Deputy State Fire Marshal and oversees inspections and can be reached via e-mail at CLARENCE.J.LEAKE@WV.GOV

Bureau of Medical Services (BMS) - Provider Number

Once you have cleared the Fire Marshal and OHFLAC, you should contact the Bureau for Medical Services (BMS or Medicaid) to arrange a "provider number" so that your agency can bill Medicaid for any services you provide to Medicaid eligible consumers. The BMS number is 304-558-1700 and website is <http://www.dhhr.wv.gov/BMS/Pages/default.aspx>. Questions can be directed to Cynthia A. Parsons (304) 356-4936 or via e-mail at cynthia.a.parsons@wv.gov

Summary of Federal Requirements of Treatment Providers

<http://www.samhsa.gov/about-us/who-we-are/laws-regulations>

Bureau of Children and Families (BCF) - Socially Necessary Services

Become a Socially Necessary Services Provider: <http://www.dhhr.wv.gov/bcf/Providers/Pages/Social-Services.aspx>

The Bureau for Children and Families of the West Virginia Department of Health and Human Resources has contracted with KEPRO Intelligent Value to serve as the ASO, or Administrative Services Organization, for socially necessary services. The purpose of the ASO is to provide administrative services necessary to enforce the Department's policies and to complete the authorization process of services in child welfare cases. The name Socially Necessary has been chosen to designate the class of services governed by this new process.

How to Enroll as a Provider:

Any individual or agency which meets the qualifications for a service or services may enroll to become a provider for that service or services. Enrollment is an open ended process. By that it is meant that a provider who chooses not to enroll initially with the ASO can choose to do so at a later date. It also means that a provider is not limited to the services for which they originally registered. For example: a provider can decide at any time to expand their service delivery into additional counties or can decide to provide services other than the ones for which they initially enrolled to deliver.

Any changes in geographic coverage or the provision of additional services will require the submittal of additional information to the ASO and the Department. The Department and the ASO will jointly decide upon approval of expanded service delivery.

<http://www.dhhr.wv.gov/bcf/Providers/Pages/Provider-Forms.aspx#aso>

Training:

Once a provider has completed and submitted the enrollment forms, they will need to contact KEPRO Intelligent Value to receive training on how to use the authorization process. The web site for KEPRO Intelligent Value is www.keproqio.com

All questions or concerns should be sent to dhhrbcfasosup@wv.gov

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